

**PLAINTIFFS' DESIGNATION OF TAIWO IROWANINU**  
**(Defendants' Counter-Designations in italicized text)**

Deposition June 23, 2005

Volume 1

Page/Line Cite	Objection (include specific page and line numbers of material objected to and objection(s))	Response
104:8-105:9	104:8-105:9: Plaintiffs apparently offer this in rebuttal to Mr. Hastrup's testimony that the Ilaje did not agree to leave the barge on May 28, 1998, and that there was no such agreement between Hastrup and the Ilaje in the evening on May 27, 1998. Thus, plaintiffs offer this testimony for the truth of the matter asserted (i.e., that there was such an agreement). This testimony, however, is hearsay because Taiwo was not present at the village where the alleged agreement was reached and <del>stept</del> through the elders' alleged message relating the agreement to the Ilaje on the barge, which was then relayed to Taiwo by his brother. This is therefore triple hearsay. FRE 802.	Plaintiffs are offering Taiwo Irowarinu's testimony for the truth of the plan and intention of the Ilaje to go home the morning of May 28, 1998. It is direct testimony about his own plan and intentions and those of the other protesters, and the reason they formed that plan. It rebuts the testimony of CNL officials and the contractors that the Ilaje had no plan to return home on May 28, 1998. <i>OK</i> It is also offered to show Mr. Irowarinu's state of mind on the night of May 27, 1998. The questions are not leading, or are no more leading than the questions defense counsel asked of their witnesses in video testimony presented by them.
105:11-14	Hearsay for same reasons stated above; leading. FRE 611(c), 802. <i>OK</i>	Same response
105:18-21	Hearsay for same reasons stated above; leading. FRE 611(c), 802. <i>OK</i>	Same response

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105:24-106:3	Hearsay for same reasons stated above; leading. FRE 611(c), 802.	Same response.
106:5-9	Hearsay for same reasons stated above; leading. FRE 611(c), 802.	Same response.
106:12-15	Hearsay for same reasons stated above; leading. FRE 611(c), 802.	Same response.
119:25-120:17	120:5-9: Taiwo Irowaninu's state of mind re his brother's death is irrelevant; more prejudicial than probative of any material fact, included merely to inflame the passions of the jury. FRE 401-403. <i>Defendants' completeness designation: 120:18-121:3, 121:6-10</i>	Taiwo is testifying about where the body was. This rebuts the testimony of the contractors about where the persons who were shot were on the barge. Defendants counter designations are beyond the scope of rebuttal since they are about how Arolilka was laying and the the location of bullet holes on Arolilka.
121:15-28 (actually 18)		This designation has a typo: It should be 121:15-18.